

STATE OF INDIANA)
) SS:
COUNTY OF JOHNSON)

IN THE JOHNSON CIRCUIT COURT

MISC. DOCKET NO. _____

41D080502 *MI 00004*

IN RE: 123 SOLD, LLC, and)
 JAMES LEE GRAHAM, JR.,)
 individually and doing business as)
 123 Sold, LLC,)
)
 Respondents.)

AVC NO. 05-006

FILED
APR 11 2005

ASSURANCE OF VOLUNTARY COMPLIANCE

The State of Indiana, by Attorney General Steve Carter and Deputy Attorney General

Steve Carter
CLERK OF JOHNSON CIRCUIT COURT, INDIANA

Terry Tolliver, and the Respondents, 123 Sold, LLC and James Lee Graham, Jr., enter into an Assurance of Voluntary Compliance ("Assurance"), pursuant to Indiana Code § 24-5-0.5-7.

Any violation of the terms of this Assurance constitutes *prima facie* evidence of a deceptive act. This Assurance is entered into without any adjudication of any issue of fact or law, and upon consent of the parties.

The parties agree:

1. At all times relevant to this Assurance, the Respondent, 123 Sold, LLC, was a domestic limited liability corporation, with a principal place of business located at 571 Baycourt North, Franklin, Indiana, 46131, and transacted business with consumers via the Internet. 123 Sold, LLC was voluntarily dissolved as of December 1, 2004.

2. The Respondent, James Lee Graham, Jr., is an individual, residing at 571 Baycourt North, Franklin, Indiana, 46131, and transacts business with consumers via the Internet.

3. The terms of this Assurance apply to and are binding upon the Respondents, their employees, agents, representatives, successors, and assigns.

4. The Respondents acknowledge the jurisdiction of the Consumer Protection Division of the Office of the Attorney General to investigate matters hereinafter described, pursuant to the authority of Ind. Code § 4-6-9-4 and Ind. Code § 24-5-0.5-1, *et seq.*

5. The Respondents, in soliciting and/or contracting with consumers, agree to refrain from representing, either orally or in writing, the subject of a consumer transaction has sponsorship, approval, performance, characteristics, accessories, uses, or benefits it does not have which the Respondents know or should reasonably know it does not have.

6. The Respondents, in soliciting and/or contracting with consumers, agree to refrain from representing, either orally or in writing, they are able to deliver or complete the subject of a consumer transaction within a reasonable period of time, when the Respondents know or reasonably should know they cannot.

7. The Respondents, in soliciting and/or contracting with consumers, agree to refrain from representing, either orally or in writing, the consumer will be able to purchase the subject of the consumer transaction as advertised by the Respondents, if they do not intend to sell it.

8. The Respondents, in soliciting and/or contracting with consumers, agree to fully comply with the Deceptive Consumer Sales Act, Ind. Code § 24-5-0.5-1, *et seq.*

9. Upon execution of this Assurance, the Respondents shall pay consumer restitution in the amount of Two Hundred Six Dollars and Fifteen Cents (\$206.15) to the Office of the Attorney General on behalf of Robert Taflinger of Indianapolis, Indiana.

10. Upon execution of this Assurance, the Respondents shall pay costs in the amount of Three Hundred Dollars (\$300.00) to the Office of the Attorney General.

11. The Respondents shall not represent the Office of the Attorney General approves or endorses the Respondents' past or future business practices, or that execution of this Assurance constitutes such approval or endorsement.

12. The Respondents shall fully cooperate with the Office of the Attorney General in the resolution of any future written complaints the Consumer Protection Division receives.

13. The Office of the Attorney General shall file this Assurance with the Circuit Court of Johnson County. The Court's approval of this Assurance shall not act as a bar to any private right of action.

DATED this 10 day of February, 2005.

STATE OF INDIANA

STEVE CARTER
Indiana Attorney General

By: Terry Tolliver
Terry Tolliver
Deputy Attorney General
Atty. No. 22556-49
Office of the Attorney General
302 W. Washington, 5th Floor
Indianapolis, Indiana 46204
Telephone: (317) 233-3300

RESPONDENTS

123 SOLD, LLC

By:

Printed Name:

Title:

James Graham
Member of LLC.
JAMES LEE GRAHAM, JR.,
individually and doing business as
123 Sold, LLC

APPROVED this 11 day of April, 2005:

[Signature]
Judge, Johnson County Circuit Court

Distribution:

Terry Tolliver
Office of the Attorney General
302 W. Washington, 5th Floor
Indianapolis, Indiana 46204

James Lee Graham, Jr.
123 Sold, LLC
571 Baycourt North
Franklin, IN 46131